

REMARKS

Claims 1-13 are pending in the present application. With entry of this Amendment, Applicants amend claims 1, 9, 12 and 13 and cancel claim 10. Reexamination and reconsideration are respectfully requested.

The present invention relates generally to a pattern width measuring apparatus and method. Applicants have amended claim 1 by incorporating certain recitations of claims 9 and 10 and canceling claim 10. Specifically, claim 1 recites “an electrostatic lens for focusing the electron beam deflected by said deflector onto the wafer or the pattern.” Because Applicants are incorporating recitations of dependent claims, Applicants respectfully submit that the Amendment presents no new issues requiring further consideration or search. Accordingly, Applicants respectfully request entry of the Amendment. Applicants note that claims 12 and 13 have been similarly amended to recite an “electrostatic lens.”

The Examiner rejected claims 1-8, 12 and 13 under 35 U.S.C. § 102(b) as being anticipated by Wagner et al. (US 5659172). The Examiner rejected claims 9-11 under 35 U.S.C. § 103(b) as being unpatentable over Wagner in view of Shinada et al. (US 6172363). The rejection is respectfully traversed.

As discussed above, independent claims 1, 12 and 13 recite an “electrostatic lens.” The Examiner in the previous and present Office Action did not address the recitation of an electrostatic lens. The Examiner did not provide any citation to Wagner or Shinada disclosing an electrostatic lens. While Shinada discloses an objective lens, it does not disclose an electrostatic lens as recited in the independent claims. In fact, Col. 33, lines 14-16 of Shinada suggest that the lens used in Shinada is an *electromagnetic* lens – not an electrostatic lens.

As discussed in the written description of the present application, an electrostatic lens is preferred over an electromagnetic lens (see paragraph 0044). The magnetic field of an electromagnetic lens affects the secondary electrons. The magnetic field also requires that certain measuring parameters be laboriously pre-set. Moreover, electromagnetic lenses generate heat in a

manner that affects the accuracy of the pattern width measurement. The present invention overcomes such problems through the use of an electrostatic lens. Accordingly, Applicants respectfully submit that Wagner and Shinada do not disclose an electrostatic lens and the use of an electrostatic lens is not well-known given that neither Wagner nor Shinada disclose its use or benefits and the Examiner has not provided any references or documentary evidence. Claims 1-9 and 11-13 are thus not anticipated or unpatentable in view of Wagner and Shinada, either alone or in combination.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

If, for any reason, the Examiner finds the application other than in condition for allowance, Applicants request that the Examiner contact the undersigned attorney at the Los Angeles telephone number (213) 892-5630 to discuss any steps necessary to place the application in condition for allowance.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing Docket No. 514802002600.

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Respectfully submitted,

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